Attorney Docket No.

MERCHANT & GOULD P.C.

United States Patent Application

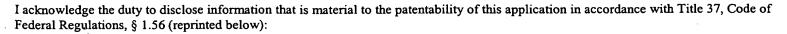
COMBINED DECLARATION AND POWER OF ATTORNEY

elow named in into I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

are named below) of the subject n DEVICE AND IMAGE FORMIN		which a patent is sought			
The specification of which a is attached hereto b was filed on February 1, 20 application) described and claime solicit a United States patent.	002 as application serial no. 10/0 d in international no. filed	066,035 and was amende and as amended on	ed on (if a (if any), w	pplicable) (in the case of a hich I have reviewed and f	
I hereby state that I have reviewed any amendment referred to above		f the above-identified spe	ecification, in	cluding the claims, as ame	nded by
I hereby claim foreign priority be certificate listed below and have a that of the application on the basis. a no such applications have to be such applications have been	also identified below any foreig s of which priority is claimed: been filed.				
FOI	REIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UN	IDER 35 USC §	119	
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
Japan	10-132984	15 May 1998			
Japan	10-203005	17 July 1998			
ALL FOR	EIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIC	RITY APPLIC	ATION(S)	-
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)		DATE OF ISSUE (day, month, year)	
I hereby claim the benefit under I below and, insofar as the subject manner provided by the first para defined in Title 37, Code of Federor PCT international filing date of	matter of each of the claims of t graph of Title 35, United States ral Regulations, § 1.56(a) which	his application is not dis Code, § 112, I acknowle	closed in the edge the duty	prior United States applicate to disclose material inform	ation in th nation as
U.S. APPLICATION NUMBE	R DATE OF FILING	G (day, month, year)	STATUS	6 (patented, pending, abandone	:d)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)		



§ 1.56 Duty to disclose information material t patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application:
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Identification of Error:



I believe that the original patent, upon which the present reissue is based, may be partially inoperative for failing to claim all that the inventors were entitled to claim. The granted claims may not adequately reflect the aspect of the invention disclosed at column 21, line 50 to column 22, line 25, and column 23, lines 5-45.

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Merchant & Gould P.C., or any of its attorneys.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903 23552
PATENT TRADEMARK OFFICE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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